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*W. S. Cox*, of Gate City, for plaintiff in error.

*John R. Saunders, Atty. Gen.*, and *J. D. Hank, Jr., Asst. Atty. Gen.*, for the Commonwealth.

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SIKLEK *v.* COMMONWEALTH.

June 15, 1922.

[112 S. E. 605.]

**1. Indictment and Information (§ 10\*)—Indictment Held Not Invalid because Founded on Evidence Given by Defendant before a Grand Jury.**—Where defendant went before a grand jury as a witness to testify against another, and, without being coerced or warned of his right to refuse to answer any questions or to give information that would tend to incriminate him, voluntarily gave such evidence that he was jointly indicted with the other, the indictment was not invalid, since, by defendant's testifying without objection, he is deemed to have waived his constitutional right relating to self-incrimination and to have testified voluntarily.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 198.]

**2. Indictment and Information (§ 11\*)—Proof to Sustain Indictment Cannot Be Inquired into.**—The sufficiency of proof cannot be inquired into to invalidate an indictment founded by a lawfully constituted grand jury, since the presumption is that every indictment is found on proper evidence.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 757.]

**3. Grand Jury (§ 36\*)—Grand Jury Has No Power to Compel a Witness to Testify.**—A grand jury has no power to compel a witness to testify, but only the court can exercise such compulsion, and, if one declines to answer any question of a grand jury which he thinks will incriminate him, the grand jury can only report the matter to the court for proper action.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 761.]

Error to Corporation Court of Newport News.

Max Siklek was convicted of grand larceny, and he brings error. Affirmed.

*J. Louis Morewitz*, of Newport News, for plaintiff in error.

*John R. Saunders, Atty. Gen.*, for the Commonwealth.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.